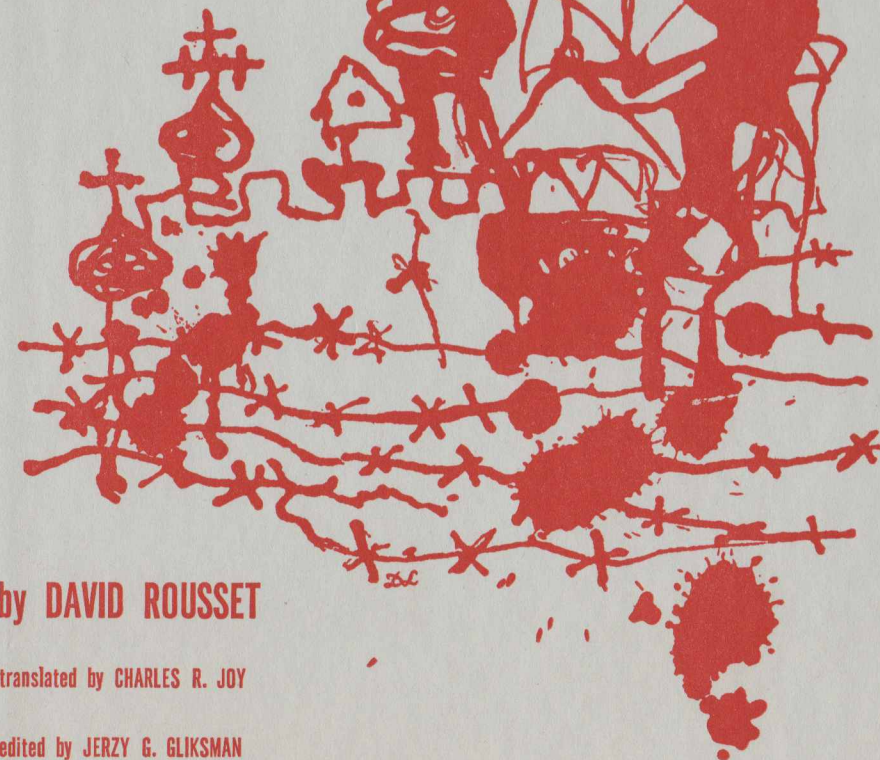


Police-State Methods in the Soviet Union



by DAVID ROUSSET

translated by CHARLES R. JOY

edited by JERZY G. GLIKSMAN

BEACON STUDIES IN SOVIET TYRANNY AND POWER

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POLICE-STATE METHODS IN
THE SOVIET UNION

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Police-State Methods in the Soviet Union

prepared by

THE INTERNATIONAL COMMISSION AGAINST
CONCENTRATIONIST REGIMES

under the direction of

DAVID ROUSSET

translated by

CHARLES R. JOY

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THE BEACON PRESS
Boston

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L.C. catalog card number: 53-6619.
Printed in U.S.A.

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Preface

The constitution of the Soviet Union guarantees to every citizen freedom of speech, freedom of press, freedom of assembly.

These guarantees mean nothing. Since the days of the 1917 October Revolution, there has been a progressive deterioration in the democratic structure of Russian society. There have been several stages in this loss of liberty.

When the Bolshevik majority that Lenin expected in the elections did not materialize, the Constituent Assembly was dissolved. That was the decisive step toward the liquidation, one by one, of all opposition parties — including the democratic Socialists. Next came collectivization, when the peasants were forced into the collective farms by terror and by the horrible man-made famine of the 1930's. Innumerable lives were sacrificed, and freedom lost another battle in the Soviet Union. Finally, there came the Great Purge, which took place between the middle of 1936 and the end of 1938. All over the Soviet Union, hundreds of thousands of people were arrested by the secret police, charged with treason, sabotage, conspiracy against the state and its leaders, counter-revolutionary activities of one sort or another. A number of them "confessed" and pleaded guilty, even before the courts; almost all of them were innocent. They were sent off to forced-labor camps — or executed. When the purge was over, and the dissident groups within the Communist Party suppressed, Stalin could

well claim that the state had become monolithic. He had achieved his end — the absolute obedience of an entire people to his unbridled will.

But still the repressions continued.

The implementation of Soviet penal terror is multiple. There is the criminal code, enforced by the courts. There are administrative organs, with extensive punitive powers. And there is the practice of mass deportation by the secret police.

Although the Soviet courts are a wholly compliant tool in the hands of the government and are in fact an organic part of the administration, they evidently fail to satisfy all the needs of the regime in the realm of repressive policy. Since the early days of the October Revolution, purely administrative and police penal procedures have overshadowed and surpassed by far the activity of the courts.

The U.S.S.R. today is a prison for her people. Millions of her citizens are confined in forced-labor camps under the most wretched conditions. The Soviet Union has never been willing to permit an investigation of the fate and situation of the prisoners. This is the admission of an uneasy conscience, a confession of guilt.

This study discusses only certain aspects of Soviet justice. It tells, in particular, how one may be condemned to long years in a forced-labor camp by administrative decision.

The original version of this study was prepared under the direction of the well-known French writer David Rousset. In 1950 M. Rousset brought suit against the Communist magazine *Les Lettres Françaises*, which had accused him of falsifying a text from the Soviet Correc-

tive Labor Code. The case — which became a European *cause célèbre* — resulted in a decisive victory for M. Rousset.

The American edition of the study, while partly abridged and rearranged, remains in essence faithful to the original.

The study is based on official texts. The authenticity of the documents and the accuracy of the translation may be taken as assured.

C.R.J.
J.G.G.

Foreword

Imprisonment by administrative decision has always been considered a measure peculiar to police states. Under the Nazi regime, Western Europe experienced the cruelty of administrative penal decisions. To establish the fact that such a procedure exists is to establish the fact that liberty itself does *not* exist. When such a procedure has become the regular practice of any regime, it is a demonstrable fact that all democracy has ceased, that the most elementary of liberties have been trampled under foot, that individual safety has become a myth. Administrative procedure in this sense is always the manifestation of a reactionary system.

The present study is not a piece of propaganda. It is an objective exposition, where nothing is asserted without proof and where all the proofs are chosen from official texts. The conclusions reached here are, therefore, irrefutable. They give simple expression to facts stronger than any commentary. Moreover, the principal documents are published here with all the references, permitting readers to check them for themselves.

DAVID ROUSSET

POLICE-STATE METHODS IN
THE SOVIET UNION

1. The Nature of the Problem

Modern penal theory in the West considers the following doctrine as axiomatic: A people is not truly free if a citizen may be arrested and detained without due judicial process.

Exceptions to this principle are rare, limited, and usually restricted to special periods. They most often pertain to insane persons or persons considered dangerous to the national defense and public security in time of war. Even these exceptions have been seriously challenged by the theoreticians of public law.

The placing of a person's liberty under the protection of judicial authority assures the individual of a certain number of real guaranties, which in practice are found to have very definite efficacy. The control of arrests and of the length of detention by judicial magistrates means that these powers are in the hands of men of intellectual and professional standing, protected by statutes which assure their independence, subject to strict regulations and whose decisions are subject to legal appeals to higher courts, compelled to respect the minute codifications of the rules for examination and judgment, with their guar-

anties for the defense — and subject finally to the wide control of press and public opinion.

This is the situation in the free nations of the West. But what of the Union of Soviet Socialist Republics?

The following study is based on official Soviet texts relating to this question, either legislative and administrative acts, or interpretations of them and commentaries upon them by Soviet writers.

In this connection one must observe that, as the Soviet regime has evolved and as the Iron Curtain has been strengthened, the task of the researcher has become increasingly difficult. From 1917 to 1935, the penological system of the Soviet Union was the object of animated and detailed discussion in specialized Soviet literature, and all the books and periodicals dealing with the subject were sent freely to libraries in other countries. But after 1936, public discussion almost entirely ceased, and these important questions, affecting the national life, have been surrounded with a virtually complete silence. It is for this reason that the theoretical developments discussed below are most often recorded in works published in 1934, 1935, or 1936.

2. Administrative Arrest and Deportation Under the Czars

Russia has always been characterized by a large degree of administrative interference in the lives of its people, and particularly by the practice of administrative arrest and deportation. Without going back to the time of the serfs — when every proprietor had the right to deport his peasants to Siberia — it should be noted that during the last decades of the czars the practice of administrative deportation was based on the "Provisions for State and Public Security," adopted in 1881; these granted to the Minister of the Interior the right to exile to "distant regions" of Russia, for a term of five years, individuals suspected of seditious activities.

Here are recent Soviet comments on the contents of these "Provisions":

"The Provisions for State and Public Security," published in 1881 to combat the growth of the revolutionary workers' movement, increased the powers of the police and of the czar's gendarmes. The "Provisions" granted to the Council of Ministers the right to place such and such a parcel of Russian territory under strengthened or extraordinary security control upon the proposal of the Minister of the Interior, who was the chief of the police, and the gendarmes.

Czarist Russia was constantly under such strengthened security control until the February [1917] Revolution. These "Provisions" gave to the police and the gendarmerie the right to arrest "any individual who had aroused a serious suspicion of having committed a crime against the state, or having been an accomplice to such a crime, or of having belonged to an illegal association"; the Minister of the Interior possessed the right of administrative deportation to distant regions of European Russia or Siberia for a period not to exceed five years; certain acts, or certain categories of acts could be referred to military tribunals, etc.¹

This administrative practice was the cornerstone of the repressive measures adopted by the czarist regime against the political opposition. With extraordinary vigor the revolutionary writers protested against these "Provisions," which Lenin characterized as "among the most stable basic laws of the Russian Empire."² In another passage he referred to the "number of workers and socialists arrested, to the number of ruined families, to the number of those detained or deported without trial."³ The suppression of arbitrary administrative penal action occupied first place when he raised the question, "What reforms do the social democrats demand for the people and for the workers?" He answered: "The social democrats insist that the police shall not be permitted to incarcerate anyone without trial. Functionaries should be severely punished for every arbitrary arrest."⁴

¹ *Penal Law*, General Section (Moscow: Juridical Publication of the Ministry of Justice, 1948), p. 89. In Russian.

² V. I. Lenin, *Works* (Moscow, 1935), VII, p. 133. In Russian.

³ *Ibid.*, I, p. 457.

⁴ *Ibid.*, V, p. 291.

3. The Judicial College of the G.P.U.

It was in the course of the so-called period of "recovery" at the end of the Civil War, when the U.S.S.R. was perfecting its new legislation and stabilizing the regime, that the first Soviet decrees regularizing the practice of administrative imprisonment were published. The right to pronounce such "sentences" was conferred upon the secret police — the G.P.U. — which had just been organized in place of the old *Cheka* (March 1, 1922). To this end a Judicial College of the G.P.U. was established (decree of November 15, 1923). Cases to which administrative imprisonment was applicable were specifically designated: "Sabotage, willful arson, injury to machines and other installations belonging to the state, and other forms of subversion."

The Soviet jurists have indulged in numerous discussions over the theoretical significance of the rights thus granted to the police authorities. Andrey Y. Vishinsky, in particular, drew a detailed comparison of the administrative penal decision with the judicial sentence. The following quotation — dating from 1936 — gives useful information as to the functioning of the Judicial College of the G.P.U.:

Let us notice, for example, the difference between the examination of a case by the Supreme Court and the examination of a case by the organs of the G.P.U., which had been recently reorganized.

This difference was determined by the concrete tasks set before each organ of the proletarian dictatorship. The Court was the organ for the repression of class enemies and for coercive and educational action in connection with the workers, having for its end the mobilization of large masses of workers around the tasks of Soviet justice; the G.P.U. was above all else the proletarian dictatorship's organ of punishment — the organ of summary and pitiless justice for counter-revolutionary elements. However, the formal differentiation between the tasks of the Court and the tasks of the G.P.U. was equally clear from their coercive and educational lines of action.

The G.P.U., or the *Cheka*, was the organ of punishment for Soviet power. This organ was more or less analogous to the Committee of Public Safety created in the course of the French Revolution. It punished spies, conspirators, terrorists, bandits, speculators, and counterfeits, and it represented a kind of military-political tribunal, against the attacks of the bourgeois counter-revolutionaries and their agents. The G.P.U. was the terror of the bourgeoisie, "the vigilant guardian of the revolution, an unsheathed sword in the hands of the proletariat" (Stalin, *The Problems of Leninism*, 9th edition, p. 312).

In consequence, the G.P.U. was originally an organ for the repression of the enemies of the proletarian dictatorship: it was "an institution which responded with an answering blow for each blow of the conspirators" (V. I. Lenin, *Complete Works*, XXVII, p. 140) in the most acute phases of the class war against the Soviet power. This is what defined the nature of its activity, and distinguished it from the usual judicial order. We had in the Court in general a developed form of procedural action, which permitted the ac-

tive participation of accused and his defense, the public examination of the case, elements of debate in the judicial examination, etc. . . .

In the G.P.U. it was the operational nature of the study of the case which dominated; the element of debate was absent from its procedures (no counsel for the defense was admitted, witnesses for the defendant were not called to the sessions of the College of the G.P.U., etc.). The G.P.U. and the Court used different methods in the fight of the state against class enemies. The application of one or the other of these methods was determined only by the concrete conditions of the class war or by the specific characteristics of the counter-revolutionary case in question. (For instance, the investigation of the cases of agricultural sabotage was carried out by the Judicial College of the G.P.U., while the cases of the All-Union Menshevik bureau and of sabotage in the electrical power houses were investigated by the Supreme Court of the U.S.S.R.)

But we must at the same time emphasize, in the most decisive fashion, the fact that . . . first, the organs of the G.P.U. functioned upon the same base of revolutionary legality as the Court, with the exception that their activity was determined by special laws and not solely by the Codes of Penal Procedure; second, the Court was, in exactly the same degree as the G.P.U., an organ for the pitiless repression of the exploiters, the class enemies, the sole difference being that the order of the application of this repression differed notably from the kind of repression exercised by the organs of the G.P.U. In other words the Court represented the extraordinary order of summary justice in respect to the class enemies. The repression of the G.P.U. had its center of gravity in the intimidation of the class enemy, without retreating in separate cases from the responsibility of transforming conscience, while the repression exercised by the Court set before it the end, thanks to publicity in the investigation of the case, of mobilizing proletarian public opin-

ion to fight against the class enemy with all his machinations against Soviet power. In consequence, the G.P.U. and the Court constituted different aspects of the class fight against the exploiters who were resisting the dictatorship of the proletariat.¹

¹ A. Y. Vishinsky and V. S. Undrevich, *Course of Criminal Investigation* (Moscow, 1936), I, pp. 28-29. In Russian.

4. The Special Board of the N.K.V.D.

The Judicial College of the G.P.U. continued to function until 1934, when it was abolished in the course of the general reorganization which integrated the G.P.U. into the N.K.V.D. (People's Commissariat for Internal Affairs). At the time, Soviet commentators interpreted this transformation as a step toward greater protection of the rights of the individual. "The Soviet state changes its way of fighting. . . . The role of the courts is becoming more and more important," wrote *Izvestia*.¹ *Pravda* was more emphatic: "Henceforth, the Soviet Court will be able to investigate rapidly and completely all matters relative to the security of the state. This is why the Judicial College of the G.P.U. has been suppressed by governmental decree."²

But the decree of July 10, 1934, at the same time that it abolished the Judicial College of the G.P.U., announced in Article 8 the creation of a Special Board (OSSO) for the N.K.V.D. The way the Special Board was to function was defined in a decree of November 5, 1934. We shall reproduce these two decrees in their entirety, for

¹ *Izvestia*, July 11, 1934.

² *Pravda*, July 11, 1934, article entitled "Safeguarding the Revolutionary Order of State Security."

they still govern administrative penal procedure in the U.S.S.R.:

DECISION OF THE CENTRAL EXECUTIVE COMMITTEE
OF THE U.S.S.R.

Article 283. — Concerning the creation of a People's Commissariat for Internal Affairs of the Soviet Union.

The Central Executive Committee of the U.S.S.R. decides:

(1) To create a People's Commissariat for Internal Affairs of the Soviet Union [N.K.V.D.], incorporating within it the State Political Administration [G.P.U.];

(2) To charge the People's Commissariat for Internal Affairs:

(a) with the protection of the revolutionary order and state security,

(b) with the protection of public (socialist) property,

(c) with the care of all civil status records (registration of births, deaths, marriages and divorces),

(d) with the protection of the frontiers;

(3) To constitute the following bureaus within the People's Commissariat for Internal Affairs:

(a) The Central Bureau for the Security of the State,

(b) The Central Bureau for the Workers' and Peasants' Militia,

(c) The Central Bureau for the Protection of Frontiers and Territory,

(d) The Central Bureau for the Fight against Fires,

(e) The Central Bureau for Corrective Labor Camps and Labor Colonies,

(f) The Bureau of Civil Affairs,

(g) The Economic and Administrative Bureau;

(4) To organize, in the Republics of the Union, People's Republican Commissariats for Internal Affairs governed by the legislation creating the People's Commissariat for Inter-

nal Affairs of the Union, and to set up in the Russian Socialist Federated Soviet Republic, in place of the People's Republican Commissariat for Internal Affairs, a Plenipotentiary of the People's Commissariat for Internal Affairs in the U.S.S.R.;

To organize in the autonomous republics, in the regions and provinces, bureaus of the People's Commissariat for Internal Affairs of the Union;

(5) To abolish the Judicial Section of the G.P.U.;

(6) The People's Commissariat for Internal Affairs and its local organs are to transmit all matters investigated, as soon as the work is done, to the competent judicial bodies, conformant to the methods prescribed by existing laws;

(7) Matters concerning the Bureau for the Security of the State in the People's Commissariat for Internal Affairs are to be transmitted to the Supreme Court of the U.S.S.R.; so far as they concern matters of treason, espionage and the like, they are to be transmitted to the Military Section of the Supreme Court of the U.S.S.R., or to the competent Military Tribunals;

(8) A Special Board [OSSO] shall be organized and attached to the U.S.S.R. People's Commissariat for Internal Affairs, subject to regulation by a separate statute, and shall be granted the right to decree, by administrative procedure, banishment from certain localities, exile with settlement in a locality, confinement in a corrective labor camp up to five years, and deportation abroad;

(9) To charge the People's Commissariat for Internal Affairs in the Soviet Union with presenting to the Council of the People's Commissars rules to govern the People's Commissariat for Internal Affairs in the Union.

M. KALININ
President of the
Central Executive Committee
of the U.S.S.R.

A. ENUKIDZE
Secretary of the
Central Executive Committee
of the U.S.S.R.

The Kremlin, Moscow, July 10, 1934

Published in No. 160 of *Izvestia* of the Central Executive Committee of the Union, July 11, 1934.³

DECISION OF THE CENTRAL EXECUTIVE COMMITTEE
OF THE U.S.S.R.

Article 84. — Concerning the Special Board [OSSO] connected with the People's Commissariat for Internal Affairs in the U.S.S.R.

In furtherance of Article 8 of the statute of the Central Executive Committee of the U.S.S.R., enacted on July 10, 1934, concerning the creation of a People's Commissariat for Internal Affairs in the Soviet Union (*Collected Laws of the U.S.S.R.*, 1934, No. 36, Article 283), the Central Executive Committee of the Council of People's Commissars of the U.S.S.R. decides:

(1) To grant to the People's Commissariat for Internal Affairs in the U.S.S.R. [the N.K.V.D.] the right to decree in connection with individuals known to be socially dangerous:

(a) exile for a term not to exceed five years to some place included in the list approved by the People's Commissariat for Internal Affairs in the U.S.S.R.;

(b) banishment for a period of five years from the capitals, the large cities and the industrial centers of the U.S.S.R.;

(c) confinement in corrective labor camps for a term not exceeding five years;

(d) expulsion from the U.S.S.R. of foreigners known to be socially dangerous.

(2) For the purpose of applying the measures indicated

³ From Number 36 (1934) of the official bi-weekly bulletin, *The Collected Laws of the U.S.S.R.* In Russian.

in Article 1, a Special Board [OSSO] is established in connection with the People's Commissariat for Internal Affairs to serve under its direction and composed of:

(a) the deputies of the People's Commissar for Internal Affairs in the U.S.S.R.;

(b) the Plenipotentiary of the People's Commissar for Internal Affairs in the U.S.S.R. to the R.S.F.S.R. [Russian Socialist Federated Soviet Republic];

(c) the chief of the Central Bureau for the Workers' and Peasants' Militia;

(d) the People's Commissar for Internal Affairs in that Republic of the Union in which the matter in question has arisen.

(3) In the meetings of the Special Board, either the public prosecutor of the U.S.S.R., or his assistant, must participate. He has the right to lodge a protest with the presidium of the Central Executive Committee in case he disagrees either with the decision taken by the Special Board, or with the fact that the matter in question has been submitted to the Special Board.

In such cases the decisions taken by the Special Board are suspended until the presidium of the Central Executive Committee of the U.S.S.R. has handed down its findings.

(4) When the decision of the Special Board on the exile or imprisonment in a corrective labor camp of any particular person is made, the reason for the application of these measures should be stated and the place and time of exile or imprisonment in a camp should be fixed.

(5) The Special Board has the right:

(a) to reduce the length of the period of exile or imprisonment in a corrective labor camp, in accordance with the conduct of the deportees or of the persons detained in the said camps, basing its decision on the judgments of the corresponding agencies of the People's Commissariat for Internal Affairs in the U.S.S.R.;

(b) to liberate those detained in the special labor colonies.

M. KALININ
President of the
Central Executive Committee
of the U.S.S.R.

RUDZUTAK
Vice-President of the
Council of People's Commissars
of the U.S.S.R.

A. ENUKIDZE
Secretary of the
Central Executive Committee
of the U.S.S.R.

The Kremlin, Moscow, November 5, 1934⁴

It is clear that there are two essential differences between the OSSO and the old Judicial College of the G.P.U. First, administrative penal procedure is now under the control of the public prosecutor (procurator). Second, the jurisdiction of the OSSO appears to be more extensive, since in place of limiting itself to specific crimes, it extends its power over all individuals "socially dangerous" in the eyes of the N.K.V.D.

For it is evident that the N.K.V.D. alone decides, when legal proceedings are to be undertaken, whether the case will be tried by ordinary judicial methods, or

⁴ It is interesting to note that—contrary to the usual custom in connection with important decrees—this decree of November 5, 1934, was not published in *Izvestia* of the Central Executive Committee of the Union; and it was published in the official *Collected Laws* only on March 7, 1935, four months after its adoption.

by the OSSO—that is to say, under its own jurisdiction. In this connection there is a very instructive passage from the *Manual of the N.K.V.D.*, discussing "the forms of arrest and investigation"; it shows how far the practice of the OSSO has been made to conform to the 1936 Constitution of the U.S.S.R. in relation to the "fundamental rights of citizens," and to the R.S.F.S.R. Code of Criminal Procedure:

Top Secret

FORMS OF ARREST AND EXAMINATION

In accordance with Article 127 of the Constitution of the U.S.S.R.,⁵ an arrest can be made only by the decision of the court or by the consent of the public prosecutor.

In order to obtain this consent, the operator must draw up, in accordance with the regulation of the Council of People's Commissars of the U.S.S.R. and of the Central Committee of the Party, passed on November 17, 1938, a reasoned statement, which must be approved by the People's Commissar for Internal Affairs, or by his assistant at the center, or by the People's Commissars in the Union Republics and the regional directors of the N.K.V.D. on the spot. (The district organs of the N.K.V.D. do not possess this right.)

The public prosecutor must indicate in this statement his assent to the arrest, after which the order for arrest and investigation is drawn up and the statement entered in the file.

Since in the interest of good progress of the investigation the reasoned statement cannot be presented immediately to the person arrested, and in order that he may benefit by the rights accorded to him by Article 146 of the R.S.F.S.R. Code

⁵ Article 127 of the Constitution of the U.S.S.R. reads: "Citizens of the U.S.S.R. are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a prosecutor."

of Criminal Procedure,⁶ a brief statement should be drawn up at the same time as the order of arrest concerning the detention of the suspect person, in which the nature of the alleged crime is not indicated, but only the respective articles of the Penal Code.

This statement must likewise be approved by the People's Commissariat and endorsed by the public prosecutor.

It is presented to the person concerned as soon as he arrives in the precincts of the N.K.V.D., must be signed by him, and then added to the file.

The law provides that the length of the investigation and detention of the individual arrested must not exceed two months. In the course of this period the investigation should be completed and the whole matter transmitted to the Court, to the office of the public prosecutor, or to the Special Board. But it is not always possible in the case of important collective affairs to complete the investigation in this time. In such cases the investigator, in conformity with the R.S.F.S.R. Code of Criminal Procedure, Article 116,⁷ must present to the public prosecutor a request setting forth the reasons for prolonging the investigation.

The actual accusation must be attached to every case trans-

⁶ Article 146 of the Code of Criminal Procedure reads as follows: "The investigator draws up a statement concerning the selection of a trial method, indicating the crime of which the individual is suspected and the reasons for the resort to one or another method of trial. This statement is immediately used as a basis for notifying the accused and is communicated to the public prosecutor."

⁷ Article 116 of the Code of Criminal Procedure reads: "The preliminary investigation of the crimes enumerated in Article 108 should be completed within the space of two months from the time when the investigation begins, the actual transmission of the case to the Court or the cessation of criminal procedures being included in this term. The prolongation of this period for a month or longer is permissible only with the authorization of the regional public prosecutor and upon his reasoned decision. The right to a new general prolongation of the period within the borders of a Republic, in case such a prolongation is necessary for local reasons, belongs to the public prosecutor of the Republic."

mitted to the Court, to the public prosecutor, or to the Special Board.

To this accusation must be attached a memorandum giving:

(a) The names of the individuals arrested, with the location of the prisons where they are detained and the date of their arrest;

(b) The names and addresses of accused persons still at liberty;

(c) The names and addresses of the witnesses to be summoned before the Court (if the case is transmitted to the Court);

(d) The list of the documents in evidence submitted in the case;

(e) The numbers of the receipts for objects of value and for documents confiscated from the individuals arrested.

These texts indicate that detention in buildings or prisons of the N.K.V.D. may last for a period of two months, and that this term is renewable. It is important to note in this connection that all the camps of correction, prisons, and penal establishments of the U.S.S.R. have been under the administration of the N.K.V.D. since October, 1934.⁸

It should also be noted that a sentence of five years — the theoretical maximum term imposed by the OSSO — can in fact be extended at the sole whim of the authorities of the N.K.V.D. to imprisonment of unlimited duration.

⁸ "The institutions for corrective labor (houses of confinement, places of solitary imprisonment, colonies for corrective labor, and the bureau for forced labor) now under the jurisdiction of the People's Commissariats for Justice in the Union Republics will henceforth be under the jurisdiction of the People's Commissariat for Internal Affairs in the U.S.S.R. and of its local offices." (Decree No. 110/2467, October 27, 1934, *Collected Laws of the U.S.S.R.*)

One of the Soviet commentators on the practice of corrective labor, I. L. Averbakh, gives some details about the discipline in the camps:

Labor in the work camps is severe: discipline is the strictest that can be imposed. If it be true that shock labor, a conscientious regard for duty, sincere efforts to reform are encouraged in every possible way, it is equally true that infractions of camp discipline, refusal to work, every manifestation of bad faith in regard to work, and especially every effort to block the success of the work program, maneuvers of the class enemies, are countered by decisive measures in diverse forms, running from loss of social privileges in the camp to severe disciplinary action.

The following measures are included: the deprivation of the right to deduct the number of work days, which is equivalent to prolongation of the length of sojourn in the camp (the opposite of the possibility of shortening this sojourn), deprivation of all other privileges, dispatch to the colonies of severest discipline and solitary confinement.⁹

* * *

Certain former prisoners have been able to retain the certificates of liberation given to them, and we give three examples of them.¹⁰

One certificate expressly mentions a sentence passed by the OSSO:

⁹ I. L. Averbakh, *From Crime to Work* (Moscow, 1936), p. 29. In Russian.

¹⁰ The originals of these three — and many similar — documents are on deposit in the Hoover Library on War, Revolution and Peace, Stanford University.

June 13, 1939
No. 685 152/1184

U.S.S.R.

People's Commissariat
for Internal Affairs [N.K.V.D.]

Office of the Corrective Labor Camp
at Vorkuta-Pechorsk
Address: Vorkuta Mine
District of Nenetsk
Arkhangelsk Region

CERTIFICATE

Delivered to citizen Postoyev, Alexander Ivanovich.
Born in 1900.

Native of the city of Ossovets (former government of Grodno), citizen of the U.S.S.R., inhabiting the city of Tashkent.

Sentenced by the Special Board [OSSO] of the N.K.V.D. in the U.S.S.R., May 20, 1936, for having participated in a K.R. ["counter-revolutionary"] group, to five (5) years of imprisonment in a corrective labor camp.

After serving his sentence, Postoyev, credited with 606 work days in the corrective labor camp of Vorkuta-Pechorsk, was freed on June 13, 1939.

Former sentences: Says he has never been sentenced.

He is going to a residence chosen by him in Poltava.

No work needs to be found for him.

TSAREV
Chief of Construction at the Mine

FIRSOV
Section Chief

This document may not be used as a passport.
It is not renewable in case of loss.

Another certificate refers to a sentence passed by a *troyka* — committee of three — of the N.K.V.D. (possibly a case of a delegation of power from the OSSO to the local authorities):

August 20, 1940
No. 60972
City of Kandalaksha

U.S.S.R.
People's Commissariat
for Internal Affairs [N.K.V.D.]

Office for Construction
of the Corrective Labor Camp 105
Second Section

CERTIFICATE

Delivered to citizen Shagriarskaya, Margarita Viktorovna.
Born in 1910.

Native of the City of Tbilisi.

Condemned by the *troyka* of the N.K.V.D. for [illegible words], September 13, 1935, as an S.V.E. ["element socially injurious"] to five years of imprisonment, without the forfeiture of her civil rights.

After having served out her sentence, she has been liberated today from the N.K.V.D. camp for corrective labor No. 105, and has left for the city of Taganrog in the District of Rostov.

A third certificate does not mention any sentence. It concerns a former Polish prisoner, deported from Eastern Poland in the course of the mass deportations of 1940 (to be discussed in the next chapter), and amnestied in the

autumn of 1941 by virtue of the agreement between Stalin and Sikorski:

U.S.S.R.
People's Commissariat
for Internal Affairs [N.K.V.D.]

October 24, 1941
No. 4-238
b/h Nakhodka

Office of the Northeastern
Corrective Labor Camps
District of Vladivostok

CERTIFICATE

The bearer, Mikhail Ossipovich, born in 1900, a native of Shereshevo, on the basis of the decree of the Presidium of the Supreme Council of the U.S.S.R., is amnestied as a Polish citizen and has the right of free residence in the territory of the U.S.S.R. with the exception of the border territories, prohibited zones, localities declared under martial law, and cities of categories I and II under special regulations.

Accompanying him are . . .

The citizen Mikhail Ossipovich is proceeding to his chosen place of residence at Buzuluk, in the district of Chkalov.

This certificate is valid for the period of three months and subject to exchange for a passport.

Validated by the signatures and the seal below.

DELOV

Chief of the Maritime Region
for the Northeastern Office
of Corrective Labor Camps

KIREYEV

Chief of the Second Section
of the Maritime Region

The practice of administrative imprisonment in a labor camp by decision of the OSSO is, therefore, firmly

established in practice. And if, since 1936, it is no longer the subject of theoretical and doctrinal discussions, nonetheless a work of reference like the Russian-language *Great Soviet Encyclopedia* mentions it in the article "N.K.V.D.," contained in Volume XLII, published in 1939:

Attached to the N.K.V.D. is the Special Board [OSSO], composed of the People's Commissar of the N.K.V.D., or of his representatives, and the public prosecutor of the U.S.S.R. This Board has the right to apply by administrative order the following measures: banishment (*vysylka*), exile (*ssylka*), confinement in a corrective labor camp for a term not exceeding five years, and expulsion from the U.S.S.R. The public prosecutor of the U.S.S.R. has the responsibility of seeing that the acts of the N.K.V.D. and its agencies are legal and regular.

The road taken by the *Vecheka*, the O.G.P.U., and the N.K.V.D. shows with perfect clarity all stages in the fight of the classes for the victory of socialism.

5. The Mass Deportations

In addition to the decisions of the OSSO (which conform with the decrees quoted in the preceding chapters and which constitute the regular procedure of the N.K.V.D.), the political police of the U.S.S.R. undertake extraordinary mass operations — prevalent in periods of tension or crisis, or unleashed in newly annexed territories — when all forms of legality are abandoned. Such was the campaign against the kulaks, when agriculture was collectivized and the *kolkhozes* (collective farms) were established in 1930-32, concerning which Vishinsky wrote:

The administrative suppression of capitalistic and unclassed elements is accomplished by a different method, not judicial, and without formal procedures (administrative exile or banishment for the former kulaks, applied in 1930-31, deprivation of the right to reside in certain cities in case of refusal of passport, etc.).¹

¹ A. Y. Vishinsky and V. S. Undrevich, *op. cit.*, p. 70. We should point out that in another book Vishinsky furnishes the following facts about the campaign against the kulaks. He estimates at 12.3% the number of kulaks in Russian territory in 1913, and at 0% the number in 1937 (p. 117). He describes briefly the campaign against the kulaks in these terms: "The extinction of kulaks as a class on the basis of complete collectivization led to the result that as early as 1930-31 the lists of Soviet electors were more than ever purged of kulaks, prof-

The large-scale deportations carried out in the Soviet Socialist Republic of Lithuania in the spring of 1941 may serve as another example.²

A short while after the incorporation of the Republic of Lithuania into the U.S.S.R., and in accordance with Order No. 001223 of the N.K.V.D. of the U.S.S.R., the N.K.V.D. of Lithuania issued to its local agencies an order to place under "operative surveillance" certain categories of people considered as potential "anti-Soviet elements." These included former members of anti-communist parties, former police agents and gendarmes, former officers, as well as people of foreign origin or foreign descent, or people in correspondence with foreign lands — even Esperantists and philatelists.

Shortly afterward, these instructions were made more exact in an order issued on November 28, 1940:

STRICTLY SECRET ORDER

from the Commissar for Internal Affairs of the Soviet Socialist Republic of Lithuania for the Year 1940

CONCERNING

negligence in the surveillance of anti-Soviet and socially alien elements.

iteer-tradesmen, and other alien class elements. Many kulak families disintegrated. Some of the kulak children entered an honorable life of toil." (A. Y. Vishinsky, *The Law of the Soviet State*, New York, The Macmillan Company, 1948, p. 669.)

² The originals of the documents reproduced below in this chapter were seized by the Lithuanian resistance forces during a national insurrection in June 1941, and were sent clandestinely to Sweden. Microfilms made from the originals are available in the New York Public Library.

No. 0054

Kaunas, November 28, 1940

In view of the fact that the Republic of Lithuania is to a very large degree infested with anti-Soviet and socially alien elements, their surveillance acquires a primary importance.

In order to prepare for the task of purging, it is necessary to know the number of former police agents, members of the White Army, former officers, members of anti-Soviet political parties and organizations, etc., who are now in the territory of Lithuania where all these elements are finding shelter.

These facts are indispensable for the evaluation of the counter-revolutionary forces and for the later direction of the agencies of surveillance when the time comes for these forces to be subdued and liquidated.

Nevertheless, in spite of the great importance of this matter, our agencies of surveillance have not undertaken this task with all necessary diligence.

The information gathered by the agencies of surveillance is scattered in the drawers of the staff members and so of no value whatever.

In pursuance of Order No. 001223 of the People's Commissariat for Internal Affairs of the U.S.S.R. concerning the surveillance of anti-Soviet elements, and in order to bring to an end all negligence in this matter,

I command:

(1) The chiefs of the central operative sections and the chiefs of the district and division sections should take over within three days all the registration files and forms of the Special First Section and assume responsibility for watching the individuals who appear therein.

(2) To take under surveillance within the space of ten days, under the direction of the Special First Section, all the anti-Soviet elements registered in the alphabetical files.

(3) To undertake the investigation at the same time of

all the anti-Soviet and socially alien elements within the territory of Lithuania and to refer their cases to the jurisdiction of the Special First Section.

(4) To classify in the Special Section of the Commissar of Internal Affairs of the Republic of Lithuania all the individuals mentioned in the agents' files and in the alphabetical lists. To these ends the sections or district divisions of the Commissariat for Internal Affairs, as well as the Committee for the City of Vilna will fill out the forms for each individual and send them to the Special First Section of the Commissar of Internal Affairs for the Soviet Socialist Republic of Lithuania.

(5) To enter upon the alphabetical lists every person who by his political or social past, his nationalist and chauvinist spirit, his political or moral instability is opposed to the socialist regime, and is susceptible of being used for anti-Soviet ends by agencies of foreign espionage and counter-revolutionary centers.

Included in these elements are:

(a) All former members of parties, organizations, and groups which are anti-Soviet: Trotskyites, revolutionary socialists, *mensheviks*, social democrats, anarchists and others;

(b) All former members of nationalist and chauvinist parties, organizations and groups, Young Lithuanians, partisans of Voldemaras [Prime Minister of Lithuania, 1927-28], populists, Christian-Democrats, members of the organization called *Galezinis Vilkas* [literally, "Iron Wolves"], active members of student corporations, active members of the francs-tireurs *Sauliu Sajunga* [literally, "Association of Riflemen"], members of the terrorist Catholic organization *Baltas Zirgas* [literally, "White Horse"];

(c) Former police agents, gendarmes, functionaries of the political and criminal police, prison officials;

(d) Former officers of the czarist armies, of Petlura [Ukrainian leader who fought for Ukrainian independence after the First World War] and other armies;

(e) Former officers and members of military courts in the Lithuanian and Polish armies;

(f) Former political offenders and volunteers in the White and other armies;

(g) Persons excluded from the Communist Party and from the Communist Youth because of offenses against the party;

(h) All deserters, political refugees, political immigrants, repatriates, and smugglers;

(i) All people of foreign origin, representatives of foreign firms, officers of foreign state institutions, people of foreign descent, former employees of foreign legations, firms, concessions and societies which have foreign activities;

(j) People with personal relations or in correspondence with foreign lands, foreign legations and consulates; Esperantists and philatelists;

(k) Former functionaries of the various ministries (from clerks upward);

(l) Former collaborators with the Red Cross and Polish refugees;

(m) The ministers of religious organizations (priests, pastors, popes), the leaders and active members of the sects;

(n) Former nobles, proprietors of estates, owners of stores, wholesalers, bankers, businessmen paying salaries to others, proprietors of hotels and restaurants.

(6) In order to prepare the alphabetical files, it is essential to utilize all possible sources of information, among others: agents' reports, the results of special inquiries, details furnished by Soviet organizations and by the party, declarations of citizens, information provided by prisoners, and so on. It is necessary that all declarations, depositions, and other documents for the files should be verified by agents' reports.

(7) The operative sections, both those of the district and of the division, are required to prepare special lists of the individuals who have fled and to take whatever measures are

necessary to apprehend them. Forms for the individuals who are sought shall be filled out and remitted to the Special First Section.

(8) In accordance with the facts gathered concerning their anti-Soviet activities, files for these individuals should be prepared and former members of political parties and organizations (Trotskyites, *mensheviks*, revolutionary socialists, nationalists, etc.), counter-revolutionary leaders of believers (priests of the Catholic and Orthodox churches, pastors and mullahs), responsible collaborators of the ministries, the police, the foreign firms, etc., should be taken under strict surveillance by the agents.

(9) The Chief of the First Section of the People's Commissariat of Internal Affairs of the Soviet Socialist Republic of Lithuania is required to render me a daily report concerning the execution of this order.

(10) The present order will be discussed in the meetings of agents and concrete measures for its execution will be devised there.

GUZYAVICHYUS

People's Commissar for Internal Affairs
of the Soviet Socialist Republic
of Lithuania

Except when engaged in overt anti-Soviet activities, the individuals placed under this operative surveillance were not at first alarmed.

It was otherwise when the "anti-Soviet manifestations connected with the compulsory deliveries of wheat" took place in May, 1941. At that time the People's Commissariat for State Security of the U.S.S.R. urgently demanded a report on the situation from its Lithuanian services; after having taken cognizance of the report, it issued the order to deport "to distant parts of the U.S.S.R." the anti-Soviet elements:

Top Secret

U.S.S.R.

People's Commissariat for State Security
Moscow, 2 Dzerzhinsky Place

To the People's Commissar for State Security
Comrade Major Gladkov
Kaunas

May 31, 1941

Having examined your special report No. 1.933 of May 10, 1941, concerning the anti-Soviet manifestations of the former *tautininka* [nationalists] and *Sauliu* [members of the "Association of Riflemen"], police agents and kulaks, upon the occasion of the obligatory delivery of wheat, the People's Commissar for State Security of the U.S.S.R., Comrade Merkulov, has ordered:

To prepare for the deportation to distant regions in the U.S.S.R. of those persons with an anti-Soviet spirit, who are conducting counter-revolutionary activities.

Similar arrangements were being taken at the same time in Latvia and Estonia. Serov, Merkulov's assistant, sent the following instructions concerning the details of the deportations, which were valid for all the Baltic republics:

Top Secret

INSTRUCTIONS CONCERNING THE PROCEDURE OF DEPORTATION OF ANTI-SOVIET ELEMENTS FROM LITHUANIA, LATVIA, AND ESTONIA

(1) General Situation

The deportation of anti-Soviet elements from the Baltic republics is a problem of great political importance. The successful solution of this problem depends on how carefully the regional operational trios and the operational staffs work out a plan of operations, anticipating all necessary details. It

must be borne in mind that the operations must be accomplished without noise or panic so as to preclude outbreaks or other excesses by those scheduled for deportation or by those among the local population known to be hostile to the Soviet regime.

Instructions for the procedure to be followed in the operations are stated below. They should be followed in general. However, in certain cases the operators should be guided by the peculiarities of a given situation and having properly evaluated the circumstances, they may and must resort to other decisions to achieve the same objective: carrying out the task entrusted to them, without noise and panic.

(2) Briefing Procedure

The briefing of the operating groups will be carried out by the regional trios the night before operations, as close as possible to the starting hour but allowing for time required to make the trip to the place of operations.

The regional trios must arrange in advance the necessary transportation for bringing the operational groups to the places of operation in the villages.

Allocation of the necessary motor and horse-drawn vehicles must be agreed upon between the regional trios and the local leaders of the Soviet party organizations.

Quarters for the briefing must be prepared carefully in advance; the capacity of the building, its entrances and exits, and the possibility of strangers entering the premises must be taken into consideration.

During the briefing the building must be carefully guarded by operational workers.

If a member of the operation group fails to appear, the regional trio must immediately take measures to replace the absentee by a substitute from a reserve group, which must be organized in advance.

The regional trios must inform the operators at the meeting of the government's decision providing for the deporta-

tion of elements classified as anti-Soviet from the territory of the given republic or the region. In addition, they must give a brief description of the persons scheduled for deportation.

The special attention of the (local) party workers present at the briefing must be called to the fact that those scheduled for deportation are enemies of the Soviet people and an armed attack on their part is possible.

(3) Distribution of Documents

After a general briefing the operational groups must be furnished with documents for those scheduled for deportation. Personal files on the deportees must be sorted and segregated according to operational groups, volosts, and villages in order to avoid any delay during distribution.

After receiving the personal files, the leader of each operational group must familiarize himself with the personal affairs of the family which he has to deport. He must ascertain the number of the members of each family, the availability of the necessary forms to be filled out for each person scheduled for deportation, and the availability of transportation. The leader must obtain exhaustive answers to the questions which are not clear to him.

Simultaneously with the distribution of documents, the regional trio should explain to each leader of the operational group where the families scheduled for deportation are located and how to reach them. The route to be followed by the operational personnel in delivering families to a railroad station for deportation must be indicated. It is also necessary to point out where the reserve military group is stationed, in case it has to be called out because of excesses.

The availability and condition of arms and ammunition of the entire operational personnel must be checked and verified. The arms must be in perfect readiness for use and must be loaded but the cartridges must not be inserted in the cartridge chambers. Arms must be used only in extreme

situations when an operational group is attacked or when an armed attack is made or resistance is offered.

(4) The Procedure of Deportation

When several families are to be deported from the same populated center, one of the operators should be appointed leader for deportation from each village and he should lead the operational personnel to the designated villages.

Although they must observe necessary secrecy, the operational groups on arriving at the villages will contact representatives of the local administration: chairman, secretary, or members of village soviets and ascertain from them the exact residence of each family scheduled for deportation. Then the operational groups, together with the government representatives who are assigned for taking inventory of property, should proceed to the respective residences of the families.

Operations will begin at daybreak. Upon entering the home of the person scheduled for deportation the leader of the operational group will call the entire family of the scheduled deportee together in one room, taking precautionary measures against any possible excesses.

In checking members of the family on his list, the leader must ascertain the whereabouts of those absent and of the sick persons in the house, and must suggest the surrender of any arms in the family's possession. Whether arms are surrendered or not, a personal search of those scheduled for deportation must be conducted, after which the entire premises must be searched for arms.

During the search of the premises, one member of the operational group should be assigned to control the behavior of those scheduled for deportation.

If a small quantity of arms is discovered during the search, it should be seized and distributed among the operational group. If the quantity of arms is large, the breech locks must be removed and the arms loaded on a cart or motor vehicle

by the operational group. The ammunition must be packed and loaded together with the rifles.

If necessary, a cart with a proper guard must be detailed for the transportation of the arms.

If arms, counter-revolutionary leaflets or literature, foreign currency, or a considerable quantity of valuables, etc., are discovered, a brief report of search must be drawn up on the spot indicating the discovery of arms or counter-revolutionary literature. If armed resistance is encountered, the regional trios should decide whether persons offering armed resistance are to be arrested and taken to the regional division of the N.K.G.B. (People's Commissariat for State Security).

A report signed by a representative of *Sovpartaktiv* must be drawn up concerning persons scheduled for deportation who escaped prior to deportation or who are sick.

After the search is conducted, it should be explained to the deportees that they are to be resettled in other districts of the (Soviet) Union by decree of the State.

The deportees are allowed to take with them a maximum of 100 kilograms of household items:

1. Clothes
 2. Shoes
 3. Linen
 4. Bedding
 5. Tableware
 6. Tea utensils
 7. Kitchen utensils
 8. Provisions — a month's supply per family
 9. What money they may possess
 10. Suitcase or trunk for packing belongings
- Cumbersome articles are not recommended.

Persons deported from rural localities are allowed to bring with them small agricultural implements, axes, saws, and other articles, which will be tied together and packed separately from the general belongings. When the loading of

echelons takes place, these items will be loaded into separate, specially designated, freight cars.

In order to prevent misplacement of personal possessions, they will be marked with the deportee's first name, patronymic, family name, and the name of his village.

After these articles are loaded on wagons, precautions should be taken to prevent the deportees from using them for resistance purposes during the time the column is moving along the highway.

While the operational groups are doing the loading work, representatives of the Soviet party organizations who are present will make an inventory of the deportee's remaining property and will arrange for storage in conformity with instructions.

If a deportee can arrange his own means of transportation, then his possessions will be loaded on the cart and he will set off with his family for the designated deportation point.

If a deportee has no means of transportation, carts will be commandeered in the village by the local authorities by order of the leader of the operational group.

All persons who enter the home of a deportee while the operation is under way, or who are there at the moment the operation begins, are to be detained until the end of the operation and must explain their relationship to the deportees. This will be done in order to immobilize those hiding from the police, gendarmerie, etc.

After the examination of those detained and determination that they are not persons belonging to our contingent, they are to be set free.

If the residents of the village begin to gather at the deportee's house while the operation is going on, it must be suggested to them that they disperse to their homes, in order to prevent a crowd from forming.

If a deportee refuses to open the door of his house when he learns that the N.K.G.B. operators have arrived, his door

will be broken down. In certain cases operational groups working in the same locality will be called in to assist.

The delivery of the deportees from the village to the grouping point at the railroad station will be done without fail during daylight hours. Toward this end, operators must endeavor to round up each family in no more than two hours.

Operators must act firmly and decisively at all times, without the slightest confusion, noise or panic.

Operators are absolutely forbidden to seize articles of any kind from the deportees, with the exception of weapons, counter-revolutionary literature, and currency; nor can they use any of the deportee's food provisions.

All participants in the operation are warned that they are held strictly responsible under the law for any attempt to appropriate items belonging to the deportees.

(5) The Procedure for Separating the Deported Family from Its Head

Since most of the deportees are to be arrested and placed in special prison camps and their families sent to special settlements in remote districts, it is necessary to remove the heads of families along with other members of the family without notifying them of their impending separation. After the search is completed and the proper documents are formulated for the record, the operator, before leaving the deportee's quarters, will complete the documents for the head of the family and will place them in his case history file; the documents for the members of the family will be drawn up and placed in their case history file.

The whole family will be conveyed to the loading station on the same cart; only at the station will the head of the family be separated from his family and placed in a special car designated for the heads of families.

When rounding up a family at their home, the head of the

family should be told to put his personal articles into a separate suitcase because the medical examination of the men will take place separately from that of the women and children.

At the deportation stations the heads of families who are subject to arrest will be loaded into cars specially set apart for them, these to be indicated by an operator selected for that purpose.

(6) The Procedure of Convoying Deportees

The operators accompanying a column of deportees' carts are forbidden to sit in the carts. The operators must follow at the sides of and behind the column of the deportees. Periodically, the chief of the convoy shall go around all the columns to check the correctness of the movement.

When the column passes (inhabited) areas or persons on the road, the convoy must be conducted with particular care. Precautions must be taken to prevent escapes or conversations between deportees and persons they meet.

(7) The Procedure for Entraining in Echelons

At every deportation center the person responsible for loading shall be a member of the operational trio and a person especially designated for this purpose.

On the day of the operation, the chief of the deportation center, together with the chief of the echelon and of the convoy troops of the N.K.V.D., shall inspect the cars supplied by the railroad to determine that they are equipped and supplied with all necessities (plank beds, bowls, lanterns, gratings, etc.). The chief of the deportation center will determine from the chief of the echelon the procedure for loading the deportees aboard.

Red army convoy troops of the N.K.V.D. must surround the station when the loading takes place.

The chiefs of the operational groups shall transmit to the chief of the echelon one copy of the list of deportees for every car. According to this list, the chief of the echelon

shall call the roll of the deportees, check carefully every family name, and assign places in the cars.

Deportees' belongings will be loaded into the cars they occupy, but small farm implements will be loaded into a separate car.

The deportees shall be loaded into cars by family units. It is not permissible to break up families (with the exception of the heads of families who are subject to arrest). Arrangements will be made for accommodating up to 25 persons per car.

When the necessary number of families have been placed into a car, it will be closed.

After the deportees have been received and loaded, the chief of the echelon will assume responsibility for those handed over to him and for their delivery to the place of destination.

After the transfer of the deportees, the chief of the operational group shall fill out a report on the operation for the chief of the regional operational trio, in which he shall briefly indicate the surname of the deportees, whether arms and counter-revolutionary literature were discovered, and how the operation took place.

After the departure of the deportees in echelon and the delivery of the reports on the results of the completed operation, the participants of the operational group shall be considered free and shall act according to the instructions of the chief of the regional section of the N.K.G.B.

SEROV

Acting People's Commissar for
State Security of the U.S.S.R.

Commissar for State Security, 3rd Grade

Verified: /s/MASUT

A week later, a statistical report of the results of the entire operation was presented to Commissar Serov and to his assistant, who both traveled to Riga:

	Riga
To: Comrade Serov and Comrade Avakumov	
	<i>Number of persons</i>
<i>From Latvia, the following transports are en route:</i>	
1. Krasnoyarsk Territory, Kamsk station, Krasnoyarsk railroad	1,400
2. Klyukvennaya station, Krasnoyarsk railroad	1,200
3. Gladok station, Krasnoyarsk railroad	850
4. Achinsk station, Krasnoyarsk railroad	900
5. Bogotov station, Krasnoyarsk railroad	500
6. Yenisey station, Krasnoyarsk railroad	2,050
<i>Prostitutes:</i>	
7. Osokarevka station, Karaganda railroad	185
8. Kharik station, Karaganda railroad	70
9. Karaganda station, Karaganda railroad	65
10. Akmolinsk station, Karaganda railroad	130
<i>Single heads of families:</i>	
11. Bobinino station, Moscow-Kiev railroad	5,000
12. Solikamsk station, Perm railroad (common law criminals)	805
13. Kukol station, Northern railroad (common law criminals)	1,100
14. Novosibirsk station, Tomsk railroad	2,000
<i>From the Lithuanian S.S.R. towards the Altai Territory:</i>	
15. Karasuk station, Omsk railroad	230
16. Slovgorod station, Omsk railroad	710
17. Kulunda station, Omsk railroad	150
18. Kupino station, Omsk railroad	100
19. Chistoozernaya station, Omsk railroad	100
20. Burega station, Omsk railroad	150
21. Biysk station, Tomsk railroad	3,940
22. Barnaul station, Tomsk railroad	1,970
23. Aliysk station, Tomsk railroad	645
24. Rubtsovka station, Tomsk railroad	402
25. Yezd-Zopalny station, Tomsk railroad	150

26. Zagalново station, Tomsk railroad	75
27. Basnovo station, Tomsk railroad	125
28. Pobodin station, Tomsk railroad	100
29. Pospelikha station, Tomsk railroad	200
30. Povalikha station, Tomsk railroad	145
31. Shipunovo station, Tomsk railroad	210
32. Lekashi station, Tomsk railroad	250
33. Kotlas station, Gorky railroad	3,600
34. Mapat station, Orenburg railroad (prostitutes)	364
35. Starobelovsk station, Moscow-Donbass railroad (single heads of families)	6,902
36. Medvezhya Gora station, Kirov railroad (common law criminals)	1,196
<i>From the Estonian S.S.R.:</i>	
37. Kotelnichi station, Gorky railroad	1,600
38. Shakhunya station, Gorky railroad	300
39. Kirov station, Gorky railroad	500
40. Slobodskoye station, Gorky railroad	400
41. Filenki station, Gorky railroad	300
42. Vekanskaya station, Gorky railroad	300
43. Murashi station, Gorky railroad	100
44. Orichi station, Gorky railroad	100
45. Yurya station, Gorky railroad	100
46. Kopariko station, Gorky railroad	100
47. Pinyur station, Gorky railroad	100
48. Luza station, Gorky railroad	100
49. Novosibirsk station, Tomsk railroad	700
50. Chany station, Tomsk railroad	1,000
51. Kargat station, Tomsk railroad	1,000
52. Promyshlennaya	1,000
53. Starobolsk station, Moscow-Donbass railroad (single heads of families)	1,930
54. Bobinino station, Moscow-Kiev railroad (single heads of families)	1,000
55. Solikamsk station, Perm railroad (common law criminals)	472

Bills of lading to be prepared in accordance with above destinations.

Enjoin the heads of echelons to report the movement of the trains to the transport department of the N.K.V.D. once every twenty-four hours.

CHERNISHEV

No. 30/3698/016

June 13, 1941

Delivered by: Kotlyarov

Received by: Vorobyev

June 13, at 2:30

Finally let us note that, a few days later, the Chief of State Security for Lithuania, Gladkov, notified the regional offices of the N.K.V.D. that a "number of instances of bandit activity have been reported recently in the territory of the Lithuanian S.S.R.; it has been discovered that a portion of the hostile elements that were to have been arrested and deported concealed themselves at the time of the purge of the Republic, went underground and organized groups of bandits . . ."

Consequently Gladkov ordered a series of measures which give us additional information concerning the methods of the N.K.V.D.:

I command:

(1) That an investigation be set on foot of every manifestation of bandit activity and that these groups be liquidated without delay.

(3) That in order to detect and liquidate the bandit groups complete reports on their relatives and friends be immediately prepared and elaborated and that recruiting be begun.

(4) To the same end, arrange to have tested agents, former

Saulius, kulaks, officers, etc., enter the underground, arrange for escapes into the forests of people pretending to flee from the action of the N.K.V.D. organs, so that they may infiltrate into the bandit groups, permitting the detection and liquidation of them. Each arrangement of this kind must be submitted to me for approval.

(7) Recruit agents among the mayors of the villages, who as a result of their duties know the local population well, and can inform you of suspicious meetings, of the absence of certain inhabitants, of the appearance of suspected individuals, of cases of people proposing to pass underground, etc.

(8) The primary endeavor in the recruiting of agents should be to plant them in the midst of the kulaks, the *Saulius* and the former officers.

GLADKOV

It goes without saying that in an operation so extensive as this, handling tens of thousands of individuals and executed in so rapid a manner, there could hardly be any preliminary examination of individual files by the OSSO. (It appears from certain accounts given by former inmates of the Soviet camps that in a number of cases there was at least *post facto* regularization a few months later — the deportee being informed in the camp that he had been sentenced to a punishment of three, or five, or eight years of imprisonment by the OSSO.)

Mass deportations also took place in accordance with a similar plan in 1939-41 in the eastern part of Poland (where they occurred on a much larger scale in propor-

tion to the size of the population³), and also when the Crimean and Chechen-Ingush Republics were liquidated in 1946.⁴

In this connection, here is an extract from the proceedings of the Supreme Soviet of the R.S.F.S.R. (meeting of June 25, 1946), printed in *Izvestia*:

CONCERNING THE APPROVAL OF THE DECREES OF THE PRESID-
IUM OF THE SUPREME SOVIET OF THE R.S.F.S.R.

Report of the Secretary of the Presidium of the Supreme Soviet of the R.S.F.S.R., P. V. Bakhmurov.

Permit me, comrade deputies, to read you the outline of the law submitted herewith for your approval:

"The law for the suppression of the Autonomous Socialist Soviet Chechen-Ingush Republic and for the transformation of the Autonomous Socialist Soviet Crimean Republic into the region of Crimea:

"During the Great Patriotic War [World War II], when the peoples of the U.S.S.R. were heroically defending the honor and independence of the country against the German fascist invaders, a number of Chechens and Crimean Tartars, at the instigation of German agents, rallied the bands of volunteers organized by the Germans, and carried on with the German troops armed conflict against Red Army formations. They created also, on German advice, diversionary bands to fight in the rear against the Soviet power, while the great mass of the people in the Crimean Republic and the Chechen-Ingush Republic did not resist these traitors to the fatherland.

"Because of this the Chechens and the Tartars of Crimea

³ The estimated number of deportees from Eastern Poland exceeds one million.

⁴ The population of the two Republics was respectively 1,127,000 and 655,000. (*Great Soviet Encyclopedia*, XXXV, p. 294; LXI, p. 525. In Russian.)

have been transferred to other regions of the U.S.S.R., where they have been supplied by the state with lands and necessary assistance in their installation. Upon the proposal of the Presidium of the Supreme Soviet of the R.S.F.S.R., a decree by the Presidium of the U.S.S.R. has suppressed the Chechen-Ingush Republic, and the Crimean Republic has been changed into the region of Crimea.

"The Supreme Soviet of the R.S.F.S.R. decides:

"1. To approve the suppression of the Chechen-Ingush Republic and the transformation of the Autonomous Soviet Socialist Republic of Crimea into the region of Crimea;

"2. To amend and supplement Article 14 of the Constitution of the R.S.F.S.R. as necessary."

It is interesting to note that, of all the people of the Caucasus, the Chechens were the ones to resist most violently the forceful Russification which took place throughout the nineteenth and twentieth centuries. In Russian folklore, as well as in the poems of Pushkin and of Lermontov, the Chechen symbolized the indomitable outlaw. Official Soviet historiography testifies to this fact. When, during the 1948 literary and artistic purge, Muradeli's opera *The Great Friendship* was criticized, the criticism among other things pointed out that:

... the plot of the opera, which pretends to describe the fight to establish Soviet power, and to cement friendship among the peoples of the Northern Caucasus in 1918-21, is historically false. The opera gives the erroneous impression that the Georgians and the Ossetians were at that time hostile to the Russian people. This is not authentic. It was the Chechens and the Ingushes who fought to destroy the friendship among the peoples of the northern Caucasus.⁵

⁵ Resolution of the Party Central Committee on February 10, 1948, concerning the opera *The Great Friendship*, by V. Muradeli.

In his introductory speech for the discussion that led to the vote on this resolution, the late Andrey Zhdanov expressed himself as follows:

A few words about the libretto. The libretto of this opera is artificial and the events enacted are inexact and false from the point of view of history.

Here, briefly is the question at issue. The opera is devoted to the fight carried on for the friendship of the people of the Northern Caucasus in 1918-20. The people of the Caucasus, of which the opera represents the Ossetians, the Lesgins, and the Georgians, pass from hostility to the Russian people, in particular to the Cossacks, to peace and friendship with them through the help of a commissar sent by Moscow.

What is historically false here is that these peoples have never been hostile to the Russian people. On the contrary, in the historical period with which the opera deals, it is precisely in concert with the Ossetians, the Lesgins, and the Georgians that the Russian people and the Red Army fought the forces of the counter-revolution, laid the foundations of power for the Soviets in the Northern Caucasus and installed peace and friendship among the peoples.

At this time it was the Chechens and the Ingushes who sowed hatred among the nationalities, and here in place of them, the Ossetians and the Georgians are presented to the public! This is a gross historic error; it is the falsification of history, it is to make a criminal assault against historic truth.

6. Administrative Penal Procedure Since World War II

As we have already noted, since 1937 Soviet official texts on criminal law have been rare and, moreover, difficult to secure. Soviet authors show an extreme caution on this subject. During the relatively more liberal period of 1945-47, the Soviet jurist Gertsenson, one of the co-authors of the official *Manual of Penal Law*, gave expression to certain pertinent sentiments in the course of a lecture devoted to the evolution of penal law in the U.S.S.R., in which he enumerated the failings of the young Soviet criminologists:

The same timidity and fear of being accused of the "seven capital sins" can be observed among us in relation to the problem of punishment. In the few books of Soviet penologists dealing with this subject during recent years, this problem is elucidated only in a very general manner. Very little light has been shed upon the question of the relation between special prevention and general prevention of crime in Soviet penal law, just as very little light has been shed on the problem of the reform of the criminal and the methods to achieve this end. The question of the public security measures which may be applied by the state to elements which are so-

cially dangerous, in conformity with existing Soviet legislation, is passed over in complete silence. However, the problem of the juridical nature of these measures, and of their relation to penal measures in the narrow sense of the term, appears to be extremely complicated.¹

In the same lecture, Gertsenson — examining the project for a complete recasting of the Soviet Penal Code, which was being elaborated on the eve of the war — pointed out that this project “had not included in the system of repressive measures actions taken by the organs of State security in regard to elements socially dangerous, attributing such actions to the competence of administrative law.”²

A similar tendency perhaps explains why there is hardly any consideration of administrative penal procedure either in the Penal Code or in the *Manuals of Penal Law* — although a *Manual of Administrative Law*, by Evtikhiev and Vlassov, published in the U.S.S.R. in 1947, gives it considerable attention:

The Special Board [OSSO] of the N.K.V.D. in the U.S.S.R. has the right to apply to such individuals as are recognized to be socially dangerous the following measures:

(a) exile for a period up to five years under open surveillance in regions approved by the N.K.V.D. of the U.S.S.R.;

(b) banishment for a period up to five years, under open surveillance, with prohibition of residence in the capitals, large cities, and industrial centers of the U.S.S.R.;

¹ A. A. Gertsenson, “The Soviet Science of Penal Law and the Course of Its Development,” in the magazine *The Soviet State and Law*, November 1947, p. 85. In Russian.

² *Ibid.*, p. 81.

(c) incarceration in corrective labor camps for a period up to five years;

(d) expulsion across the frontiers of the U.S.S.R. of foreigners considered socially dangerous.

The period of exile and banishment is to be calculated from the day of arrest (which must be mentioned in the decision of the Special Board), and, if the accused person is at liberty, from the day when the decision of the Special Board is brought to his attention.

In the case of administrative exile under open surveillance, the individual is deported to a determined district and the surveillance is applied at the place of deportation.

In the case of banishment under open surveillance, the individual is expelled from a given locality and placed under surveillance with prohibition of residence in certain regions of the U.S.S.R. — capitals, large cities, and industrial centers.

The places where these individuals are forbidden to live are specially listed.

The decisions of the Special Board to deport and imprison in a camp of corrective labor must particularly indicate in the case of every person taken the reasons for the application of these measures, as well as the region of deportation and its duration.

In the case of banishment, the person concerned enjoys the right of choosing the region where he wishes to carry out his banishment with the exception of the communities which are forbidden to him by decision of the Special Board.

If the person who has been banished changes his residence on his own responsibility, or if the deportee leaves the place of his exile without authorization, the guilty persons are to be punished in accordance with Article 82 of the Penal Code of the R.S.F.S.R. and the corresponding articles in the Penal Codes of the Union Republics.

The decisions of the Special Board concerning exile and banishment under a system of open surveillance are to be executed by the N.K.V.D. of the U.S.S.R.

Persons banished and exiled may accept employment in public organizations, institutions, and enterprises, and in state co-operatives to the extent that this is not prohibited by law.

Persons banished and incapable of work, and administrative exiles similarly incapacitated, are to be assisted with an appropriate state allocation to be borne by the budget of the N.K.V.D. of the U.S.S.R.

After having served for the duration of the exile or banishment, the person concerned is liberated by the competent organ of the N.K.V.D. (determined by the place of exile or banishment), on the precise day when the term of punishment expires.

When the person banished or exiled is freed, the militia in the place of banishment or exile shall deliver to him a passport drawn up in accordance with the general rule, shall restore to him his military papers, and shall have him sign a form by which he will be registered with the competent military authorities in his new place of residence. At the same time the exile's certificate and the passport established for the person banished are to be taken away.

The liberation of deportees or persons detained in camps of corrective labor may take place before the expiration of the sentence by decision of the Special Board, which has the right to reduce the length of the deportation or of confinement in camps for corrective labor in accordance with the conduct of the deportees and the persons detained and on the basis of recommendations from the N.K.V.D. organs. The Special Board also has the right of liberation in connection with a sojourn in the special labor colonies.

The actual liberation at the designated time, after the expiration of the sentence of exile or banishment, is within the control of the organs of the N.K.V.D. at the place of exile or banishment.³

³ Pages 244-246.

Finally, it should be noted that the fifty-second volume of the Russian-language *Great Soviet Encyclopedia*, dated 1947, includes the following passage in its article "Exile":

Exile is fixed for a term of from three to ten years; a sentence of exile is permissible only in cases of condemnation for crimes envisaged in Article 36 of the Penal Code of the R.S.F.S.R. and in the corresponding articles of the Penal Codes of the other Union republics . . . ; the right to pronounce a sentence of exile by administrative procedure is granted to the Special Board [OSSO] of the Ministry of the Interior in the U.S.S.R. (See *Collected Laws of the U.S.S.R.*, 1934, No. 36, Article 283.)

In the light of this evidence, there remains no shadow of doubt concerning the fact that administrative penal procedure continues to be systematically practiced in the U.S.S.R. As Vishinsky writes: "We do not agree with the bourgeois-democratic point of view, in accordance with which matters related to punishable criminal acts are supposed to be examined in every case only through judicial channels."⁴

It is therefore clear that the most elementary security of the individual — which is the absolute prerequisite of liberty — does not exist in the U.S.S.R. The fact has been demonstrated by the Soviet government itself through its laws, through its decrees, through its official commentators. It is no longer possible to entertain any doubt. The administrative penal procedure — always

⁴ A. Y. Vishinsky and V. S. Undrevich, *op. cit.*, p. 26.

considered by democrats, socialists, and Marxists as the most reactionary of all practices, the one most inimical to every effort toward liberty and progress — animates both juridical theory and penal practice in the Soviet Union.

